



11 OCT 2005

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In re Application of BERNHARD et al :
U.S. Application No.: 10/533,558 :
PCT Application No.: PCT/AT03/00244 : DECISION
Int. Filing Date: 26 August 2003 :
Priority Date Claimed: 02 September 2002 :
Attorney Docket No.: SB-521 :
For: USE OF A HARD METAL ALLOY :

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 02 May 2005.

BACKGROUND

On 26 August 2003, applicant filed international application PCT/AT03/00244, which claimed priority of an earlier Austria application filed 02 September 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 11 March 2004. The thirty-month period for paying the basic national fee in the United States expired on 02 March 2005.

International application PCT/AT03/00244 became abandoned as to the United States for failure to timely pay the basic national fee.

On 02 May 2005, applicant filed the present petition under 37 CFR 1.137(b).

On 09 June 2005, applicant filed an executed declaration.

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 26 August 2003, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 09 June 2005.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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